

REMARKS

The present Amendment is in response to the Examiner's Office Action mailed September 2, 2004. Claims 1, 7 and 13 are amended, and claims 6, 12, 15 and 18 are cancelled without prejudice. Claims 1-5, 7-11, 13-14, and 16-17 are now pending in view of the above amendments.

Reconsideration of the application is respectfully requested in view of the above amendments to the claims and the following remarks. For the Examiner's convenience and reference, Applicant's remarks are presented in the order in which the corresponding issues were raised in the Office Action.

Please note that the following remarks are not intended to be an exhaustive enumeration of the distinctions between any cited references and the claimed invention. Rather, the distinctions identified and discussed below are presented solely by way of example to illustrate some of the differences between the claimed invention and the cited references. In addition, Applicants request that the Examiner carefully review any references discussed below to ensure that Applicants' understanding and discussion of the references, if any, is consistent with the Examiner's understanding.

I. CLAIM OBJECTIONS

The Examiner objects to "Claim 2" because of an informality. Applicant's respectfully suggest that the informality noted by the Examiner, in fact, applies to **Claim 1** rather than Claim 2. Applicant's have amended Claim 1 to add the word --to-- after the word "as" on line 7.

II. PRIOR ART REJECTIONS

A. Rejection Under 35 U.S.C. §102(b)

The Examiner rejects claims 1-12 under 35 U.S.C. § 102(b) as being anticipated by *Gaio, et al* (United States Patent No. 5,901,263). Because *Gaio* does not teach or suggest each and every element of the rejected claims as amended, Applicants respectfully traverse this rejection in view of the amendments and the following remarks.

In particular, *Gaio, et al.* teaches a locking mechanism wherein rotation of a bail 102 effects movement of retaining clips 104 (characterized by the Examiner as constituting a "pivot lever") to latch and unlatch the transceiver module.

This is in direct contrast to embodiments of the invention now claimed. In particular, the claimed invention do not require the presence of a bail-like portion, and instead are directed to a pivot lever which can be directly manipulated by a user to disengage a locking member portion of the pivot lever. For example, claim one requires that the pivot lever include a leading edge portion that extends beyond a front plane of the module. The user can then manipulate the pivot lever, via the leading edge, so as to directly manipulate the locking member. The retaining clip 104 portion of *Gaio* clearly does not have a leading edge portion that extends beyond a front plane of the module, nor can there any type of leading edge portion be manipulated so as to disengage the module. Independent claims 7 and 13 have also been amended so as to similarly distinguish over the teachings of *Gaio*.

Since *Gaio, et al.* does not teach the device being claimed in this application, Applicants respectfully request that the rejection under 35 U.S.C. § 102(b) be withdrawn with respect to each of the rejected independent claims. Moreover, for at least the same reasons, each of the claims depending from independent claims 1, 7 and 13 are also patentably distinct from the teachings of *Gaio*, and the rejection of those claims should also be withdrawn.

B. Rejection Under 35 U.S.C. § 103

The Examiner rejects claims 13-18 under 35 U.S.C. § 103 as being unpatentable over *Gaio, et al* (United States Patent No. 5,901,263) in view of Applicant's Admitted Prior Art (AAPA) as disclosed on page 1-4 of the instant Application.

Again, to the extent that this rejection relies on the teachings of *Gaio*, in view of the reasons presented above, it is respectfully submitted that the Examiner has failed to state a *prima facie* case of obviousness because the cited art does not teach each and every element of the rejected claims. As such, it is respectfully requested that the rejection be withdrawn, and the claims allowed.

CONCLUSION

In view of the foregoing, Applicants believe the claims as amended are in allowable form. In the event that the Examiner finds remaining impediment to a prompt allowance of this application that may be clarified through a telephone interview, or which may be overcome by an Examiner's Amendment, the Examiner is requested to contact the undersigned attorney.

Dated this 2nd day of March, 2005.

Respectfully submitted,



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